

May 12, 2005

TO: City of Lincoln Personnel Board Members

SUBJECT: Personnel Board Meeting
Thursday, May 19, 2005
8:00 a.m., Council Chambers
County-City Building

NOTE SPECIAL TIME

A G E N D A

ITEM 1: Request to create the following classification:

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>PROPOSED PAY RANGE</u>
2214	Economic Development Specialist	(A12) \$37,831.04 – \$56,746.56

ITEM 2: Request for appeal hearing – Cindy Lugan — Finance/Information Services.

ITEM 3: Request for appeal hearing – Richard McLaughlin — Mayor's/Aging.

ITEM 4: Miscellaneous Discussion.

PC: Joan Ross, City Clerk
Cindy Lugan
Richard McLaughlin

ECONOMIC DEVELOPMENT SPECIALIST

NATURE OF WORK

This is responsible professional work directing the economic development programs and projects of the Urban Development Department.

Work includes participating in the management, negotiation and facilitation of the public actions necessary for designated economic and community development projects that: retain and/or create jobs, increase the City's tax base, stimulate or encourage revitalization of the City's older commercial districts, and/or rehabilitate previously underutilized buildings and properties. Work also involves the planning, management, coordination, facilitation and successful implementation of economic development projects for the City. Independent judgment is exercised in the application of professional techniques and principles within the framework of established federal, state, local and departmental guidelines and policies.

EXAMPLES OF WORK PERFORMED

Develops and implements financial assistance policies and programs to assist in redevelopment, revitalization, commercial district enhancements and economic development initiatives.

Analyzes community needs and determines annual program and project goals, their feasibility, eligibility, and priority.

Develops financial packages utilizing a variety of funding sources including Federal CDBG funds, State of Nebraska funds, Small Business Administration, private sector contributions, tax increment financing, and other economic development assistance programs.

Conducts and/or participates in negotiations with developers, businesses, and others regarding the public actions necessary for designated economic and community development projects that: retain and/or create jobs, increase the City's tax base, stimulate or encourage revitalization of the City's older commercial districts, and/or rehabilitate previously underutilized buildings and properties.

Analyzes financial and market feasibility data on projects under negotiation including project proformas, sources and uses of funds, cash flow analyses, security provisions, business profitability, underwriting, and related data.

Works with others to assemble cost estimates for various public actions; performs costs comparison analyses between proposed City development sites and alternative or competing development sites; and conducts tax and public benefit analyses for economic development projects.

Assists business owners in developing public/private partnerships and serves as a point of contact for businesses, developers and contractors utilizing City economic development services.

Coordinates with representatives of City departments, state and county agencies, the Chamber of Commerce, financiers, commercial bankers, developers and other involved organizations to assist in the creation or expansion of businesses in the City while ensuring the efficient implementation of programs without duplication of efforts.

Establishes project schedules, project budgets, and compliance requirements for various economic development projects and programs.

Works with City legal staff in preparation of development agreements, project financing agreements, promissory notes, other legal documents and collections.

Participates in meetings with and/or makes oral presentations to public and private groups, including developers, businesses, citizens, community leaders, and City personnel regarding economic development projects and programs.

Represents the City and Urban Development Department on various committees and boards.

Markets programs to bankers, real estate professionals, neighborhood groups, developers and others.

Serves as staff to City's Economic Development Loan Committee.

Prepares grant applications and administers grants awarded for economic development projects.

Administers and monitors federally funded projects and programs to ensure that loans or other financial assistance are provided, funds are properly utilized, that federal labor standards and wage guidelines are adhered to, and that compliance requirements are met.

Coordinates economic development aspects of the Community Development Block Grant (CDBG) program, including developing program and budgeting recommendations, and assisting in the preparation of the Consolidated Plan, Annual Action Plans and Consolidated Performance and Evaluation Report.

Performs duties similar to those listed above for Lancaster County economic development efforts via interlocal agreement.

Performs related work as required.

DESIRABLE KNOWLEDGE, ABILITIES AND SKILLS

Thorough knowledge of principles and methods of financial packaging, including: loan proposals, underwriting, analysis documents, packaging, processing, collections and preparation of closing documents.

Thorough knowledge of federal laws relating to community and economic development.

Thorough knowledge of real estate economics from the perspective of public participation to ensure a high level of public benefit from proposed projects.

Thorough knowledge of the principles and methods of effective local economic and community development.

Thorough knowledge of federal, state and local funding for economic and community development programs.

Knowledge of real estate construction principles and practices.

Knowledge of Federal, State and City codes, rules and regulations relating to development, zoning, urban renewal, building codes and other similar projects.

Ability to analyze community needs and to design and implement policies, programs and plans to meet those needs.

Ability to conduct meetings and explain development proposals to interested groups, and make presentations regarding development proposals and programs to interested groups or individuals.

Ability to plan, organize, direct and manage diverse programmatic activities and complex budgets.

Ability to successfully negotiate financial packages and public actions with developers, businesses, and their representatives.

Ability to conduct thorough and reliable due diligence analyses for economic and community development projects.

Ability to market financial assistance, loan and other development packages to a variety of interests.

Ability to establish and maintain effective working relationships with all participants in economic and community development including developers, businesses, citizens, community leaders, City staff, State and Federal government officials, lenders, brokers, architects, utility companies, contractors, and others.

Ability to prepare accurate and reliable technical reports containing findings and recommendations regarding development proposals and programs.

Ability to communicate effectively with others, both orally and in writing, using both technical and non-technical language.

Ability to work under pressure, meet deadlines, and manage many projects simultaneously.

DESIRABLE TRAINING AND EXPERIENCE

Graduation from an accredited four year college or university with major course work in economic development, public or business administration, finance, urban planning or related field and completion of graduate studies in public or business administration, economic development, urban planning or related field; plus considerable experience in economic development, real estate, finance, business development or related field.

Economic Development Finance Professional (EDFP), Business Retention and Expansion Consultant, Certified Economic Development (CED) or similar certification.

MINIMUM QUALIFICATIONS

Graduation from an accredited four year college or university with major course work in economic development, business or public administration, finance, urban planning or a related field plus considerable experience in economic development, real estate, finance, business development or a related field; or any equivalent combination of training and experience which provides the desirable knowledge, abilities and skills.

Approved by: _____
Department Head Personnel Director

05/2005

PS2214

DT ✓

KEATING, O'GARA, DAVIS & NEDVED, P.C.

A LIMITED LIABILITY ORGANIZATION

ATTORNEYS AT LAW

JANE E. BURKE, OF COUNSEL

530 SOUTH 13TH STREET, SUITE 100

March 3, 2005

LINCOLN, NEBRASKA 68508-2795

TELEPHONE (402) 475-8230

TOLL FREE (888) 234-0621

FACSIMILE (402) 475-8328

www.keatinglaw.com

CON M. KEATING
ROBERT M. O'GARA
W. SCOTT DAVIS
GARY J. NEDVED
PAUL J. PETER
ANNE E. WINNER
JEFFERSON DOWNING
DOUGLAS J. PETERSON
GARY L. YOUNG
TRACY A. FOLLMER
JOEL R. NELSON

VIA HAND DELIVERY

Mr. Don Taute
Personnel Director
City of Lincoln
555 S. 10th Street
Lincoln, NE 68508

RE: Termination of Cindy Lugan, Computer Operator II,
Department of Finance

Dear Don:

This firm represents National Association of Government Employees Local No. R9-38, and City of Lincoln regular employee Cindy Lugan, who is a member of the NAGE bargaining unit.

Pursuant to Article 8 of the bargaining agreement between the City of Lincoln and NAGE, Ms. Lugan is providing formal notice of her appeal of her termination by the City of Lincoln before the Personnel Board of the City of Lincoln.

The basis for the appeal is that the City did not have just cause to terminate Ms. Lugan, and as such, the termination is a violation of Article 8, Section 6 of the Bargaining Agreement between NAGE and the City of Lincoln. Ms. Lugan has requested that this firm, as NAGE counsel, submit this appeal on her behalf.

We request that the appeal be placed on the Agenda of Personnel Board for the month of April.

We are also requesting a complete copy of Ms. Lugan's personnel file at this time, and any medical evidence or submissions that the City has received regarding her ability to do her job.

If you have any questions regarding the above, please do not hesitate to contact me.

Yours very truly,

Gary L. Young
For the Firm



2005 MAR 3 PM 3 53

CITY - COUNTY PERSONNEL

M E M O R A N D U M

To: Cindy Luga, Information Services
From: Bill Kostner, Risk Management
Randy Ober, Information Services *Ro*
Date: February 24, 2005
Subject: Doctor Bozarth note dated February 21, 2005
cc: Don Taute, Personnel
Doug Thomas, Information Services

I have reviewed the note from Doctor Bozarth dated February 21, 2005 with Bill Kostner. We have determined that it is not acceptable as there continues to be a lifting restriction for you. As we discussed in the meeting with you on February 17th, it has been 14 months that you have been on light duty status and that is beyond the maximum period allowed as per Administrative Regulation 19.

Your day-to-day computer operations duties requires lifting of computer paper boxes at times throughout your shift. With that, unless we receive some further documentation from you and your doctor stating that lifting in the 50 pound range is able to be done, your employment as a computer operator will end after the completion of your shift on Monday, February 28th, 2005.



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Finance Department
Don Herz, Director
555 South 10th Street
Suite 103
Lincoln, Nebraska 68508
402-441-7411
fax: 402-441-8325

February 2, 2005

Cynthia Lukan
3846 S. 15th Street
Lincoln, NE 68502

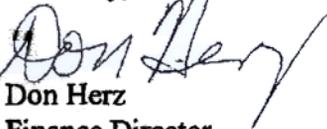
Dear Ms. Lukan:

The City of Lincoln has received your letter from Dr. Bozarth dated January 19, 2005, wherein the doctor states his concern for your ability to lift 50 lbs or more. The doctor also states that your "lifting capabilities is indeterminant." As such, and since your job as a Computer Operator II requires you to lift heavy boxes, it is my duty to inform you that as of **February 18, 2005**, your employment with the City of Lincoln, Finance Department, Division of Information Services, is hereby terminated.

Please contact Pat Kant in Personnel to see if other employment is available that more closely matches your skills and abilities. It is unfortunate that your injury will not allow you to perform all of the necessary functions of your job, but I hope that with the abilities and skills you have gained here, you will be able to secure employment with a company where you can work without additional harm or possibility of injury.

Cindy, I wish you the best in your future employment efforts.

Sincerely,



Don Herz
Finance Director

Cc: Don Taute, William Kostner, Margaret Blatchford, Will Gross, Randy Ober, Robin Mulder, ~~Doug~~ Thomas, Pat Kant

Mr. Rolf Shasteen, Attorney At Law, 840 N. 48th Street, Lincoln, NE 68504

2005 APR 13 AM 10 44

Dear Mr. Taute.

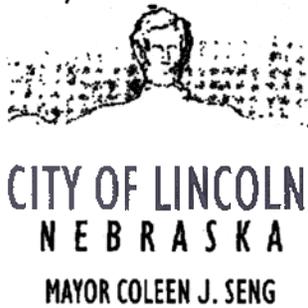
April 11, 2005

Please accept this
is as my written request
for an appeal to my
dismissal.

Thank you

Richard McLaughlin.

Please be aware the
calls I stened to were not
911 calls, but rather LPD
dispatch.



CITY - COUNTY PERSONNEL

2005 MAR 31 AM 11 54

DT ✓
PR ph
CD

To: Richard A. McLaughlin
From: June Pederson, Director *June Pederson*
Lincoln Area Agency on Aging
Date: March 30, 2005
RE: Conduct unbecoming a City Employee

On March 25, 2005, you and I met in my office, along with your supervisors Joyce George and Denise Boyd and Personnel Coordinator Pat Kant, to discuss the citation you received from the Lincoln Police Department for disorderly conduct.

We had the following information at that time:

- A police report containing a description of a person driving a box van with the license plate numbers that corresponded with the license of the Lincoln Area Agency on Aging's food service van. The citizens making this report called 911 twice to report that the person driving this vehicle was behaving in a dangerous manner, cutting in and out in front of them and expressed fear and anger and ultimately requested a meeting with a police officer.
- The report further stated that a photo lineup had been prepared that included your photo from city records and was presented separately to each of the two citizens who made the call. Each identified you as the driver of the vehicle.
- The persons making the complaint said you verbally threatened them in a statement that was repeated to the officer as "come over here and I'll beat your ass."
- A police officer had presented you with a citation for disorderly conduct which you had in your possession at the time of our pre-disciplinary hearing.

You were given an opportunity to speak to this allegation. You were firm in your assertion that you were not the person driving this vehicle and that you were not guilty. You indicated you intended to plead not guilty at the May 5 court hearing as designated on the citation.

I shared with you the information in the previous paragraphs and told you that if you were not telling the truth, this was the time in which to admit this because if further evidence led me to believe you were lying, it would make things much worse. You stated again that you did not do this and you were not guilty.

Pat Kant and I determined that there were a number of questions still outstanding that needed to be answered. The exact time of the incident was not clear. The actual 911 tapes would be requested. We did not know if there were other white box vans owned by the City and if so, were the license plates similar enough to make an error possible. Pat agreed to investigate this. We also indicated we would contact the manager at the Lake Senior Center to confirm your statement that you went to Lake twice, once at noon and again at 12:30 or later.

These are our findings:

- The City of Lincoln has no other identical white box vans that could have been mistaken for the one used by LAAA. There are white panel trucks, however the license plate numbers are significantly different.
- Neither staff or participants can confirm your claim that you were at Lake around noon, but they clearly remember your arrival sometime between 12:30 and 12:45 p.m. Your claim to be at Parkway 66 at 12:13 when you made a call to Wayne McClaran is entirely possible, since the time to drive from 48th and "O" Streets is less than 15 minutes.
- The 911 tapes have been reviewed and it is clear the incident took place at or near the noon hour and the second 911 call came at 12:08 p.m. The persons making the complaint stated in the 911 tape that the tail light was out on the vehicle. A check of the food van indicates a tail light is non-functional.
- You said you always wear a ball cap and that the persons making the complaint could not have described you as light-haired and balding. Further questioning by the police officer said that they indicated you were wearing a cap, but at one point in this event, you removed your cap, giving them a clear view of your face and head making identification by photo possible.

Given the overwhelming amount of evidence presented and confirmed about this incident, I have concluded that you are the person involved in this incident, that this reflects negatively on the City of Lincoln and the Lincoln Area Agency on Aging, and that after being given an opportunity to admit guilt and express remorse, you continued to profess your innocence. I believe you lied to me intentionally.

Had you been truthful, the discipline chosen for this matter may have been a suspension for a specific period of time. Because I believe you have not been truthful and that you engaged in behavior that is unbecoming for a City employee and that such behavior is dangerous, placing the Lincoln Area Agency on Aging and the City at significant risk, I am terminating your employment effective immediately. Please give all keys and other city owned items you may have to Joyce George immediately.

I regret that this action was necessary and hope that you will consider this an opportunity to modify your behavior in the future.

This is accordance with Lincoln Municipal Code 2.76.445 (e), offensive conduct or language to the public, and (f) any conduct unbecoming an employee (lying) and 2.76.465, dismissal.

March 30, 2005

Richard A. McLaughlin
1311 Patterson
Lincoln, NE 68522

Dear Mr. McLaughlin:

On March 30, 2005, you met with June Pederson, Denise Boyd, Joyce George and me regarding the results of our investigation following a pre-disciplinary meeting which was held on March 25, 2005. During this meeting we all listened to the recording of the two 911 calls which were made during the incident on March 23, 2005. You offered no further explanation. At the conclusion of that meeting, you were advised by June Pederson that your employment would be terminated.

Although there was discussion at the meeting, I wanted to follow up in writing the following information:

Dismissal from the City of Lincoln is taken in accordance with Lincoln Municipal Code 2.76.465. The action taken today places you on a 10 day suspension without pay pending dismissal. Any regular employee who has been terminated may appeal for a hearing before the Personnel Board. The appeal must be submitted in writing to the Personnel Director or a designated representative any time after written notice of, but no later than ten working days after, the effective date of the termination.

If you have any questions, please do not hesitate to contact June Pederson or myself.

Sincerely,



Patricia A. Kant, PHR
Personnel Coordinator

cc: June Pederson